

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

JUSTIN COOK,)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:05-CV-10443-JLT
)	
CRUISECOMPETE, LLC,)	
HEIDI ALLISON-GARRETT,)	
ERIC BUSICK, and)	
ROBERT A. LEVINSTEIN,)	
Defendants.)	

AFFIDAVIT OF DANIEL C. HOHLER IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION TO REMAND

I, Daniel C. Hohler, being duly sworn do hereby depose and state:

1. I am an attorney in good standing in the Commonwealth of Massachusetts and I am counsel for the defendants in the above-captioned action, am above the age of twenty-one, am competent to testify, and have personal knowledge of the facts herein. To those facts that I do not have personal knowledge I allege such facts on information and information and belief, and as to such facts believe them to be true.
2. I have attached hereto as Exhibit 1 a true and accurate copy of Civil Action Cover Sheet, which was attached to the Notice of Removal in the above-captioned action.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 19th DAY OF APRIL, 2005.


DANIEL C. HOHLER

Middlesex, ss.

Before me, the undersigned authority, personally came and appeared the affiant, Daniel C. Hohler, who, being first duly sworn upon oath, stated that he has read the above and foregoing document and knows the contents thereof, and that the statements of fact contained therein are true. Subscribed and sworn to before me, this 19th day of



My commission expires: 5/2/2008

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by (hand) (mail) on 4/19/05

**CIVIL ACTION
COVER SHEET**
State Court of Massachusetts
Superior Court Department
 County: Suffolk

PLAINTIFF(S)

JUSTIN COOK

DEFENDANT(S)

CRUISE COMPETE, LLC, HEIDI ALLISON GARRETT,
ERIC BUSICK and ROBERT A. LEVINSTEIN

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Marc D. Padellaro (617) 494-1188

Monahan & Padellaro

43 Thorndike St., Cambridge, MA 02141

Board of Bar Overseers number:

541847

ATTORNEY (If known)

Origin code and track designation

Place an x in one box only:

☒ 1. F01 Original Complaint☐ 2. F02 Removal to Sup.Ct. C.231,s.104
(Before trial) (F)☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)☐ 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B99

Fraud

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

- | | |
|--|----------|
| 1. Total hospital expenses | \$ |
| 2. Total Doctor expenses | \$ |
| 3. Total chiropractic expenses | \$ |
| 4. Total physical therapy expenses | \$ |
| 5. Total other expenses (describe) | \$ |

Subtotal \$

B. Documented lost wages and compensation to date

\$

C. Documented property damages to date

\$

D. Reasonably anticipated future medical and hospital expenses

\$

E. Reasonably anticipated lost wages

\$

F. Other documented items of damages (describe)

\$

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

Plaintiff was induced by the fraudulent representations of Defendants to provide computer internet consulting services to Defendants. Defendants are now attempting to dilute Plaintiff's share in Limited Liability Co.

\$ 400,000.00

TOTAL \$ 400,000.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules of Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

*Marc D. Padellaro*DATE: 3/3/06
12/09/04